

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SENIOR HOUSING ASSISTANCE
GROUP,

Plaintiff,

v.

AMTAX HOLDINGS 260, LLC, et al.,

Defendants.

No. 2:17-cv-01115-RSM

**DECLARATION OF CHRISTOPHER G.
CALDWELL IN SUPPORT OF
DEFENDANTS AND COUNTER-
PLAINTIFFS' MOTIONS *IN LIMINE***

**NOTE ON MOTION CALENDAR:
FRIDAY, FEBRUARY 8, 2019**

ORAL ARGUMENT REQUESTED

AMTAX HOLDINGS 260, LLC, et al.,

Counter-Plaintiffs,

v.

SENIOR HOUSING ASSISTANCE
GROUP, et al.,

Counter-Defendants.

CALDWELL DECLARATION IN SUPPORT OF
LIMITED PARTNERS' MOTIONS *IN LIMINE*
(No. 2:17-cv-01115-RSM)

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DECLARATION OF CHRISTOPHER G. CALDWELL

I, Christopher G. Caldwell, declare as follows:

1. I am a member of the California bar authorized to practice law in the State of California, and have been granted leave to appear before this Court *pro hac vice*. I am an attorney at Boies Schiller Flexner LLP, counsel for Defendants and Counter-Plaintiffs AMTAX Holdings 260, LLC, Protech Holdings W, LLC, AMTAX Holdings 259, LLC, AMTAX Holdings 261, LLC, AMTAX Holdings 258, LLC, AMTAX Holdings 257, LLC, AMTAX Holdings 164, LLC, Protech 2002-A, LLC, AMTAX Holdings 109, LLC, and Protech 2001-B, LLC (collectively, the “Limited Partners”). I submit this declaration in support of the Limited Partners’ Motions *in Limine*. I have personal knowledge of the facts stated herein, and could and would testify competently thereto if called as a witness in this matter.

2. On January 25, 2019 at 9:54 a.m., I called Robert “Bobby” Rozen at the telephone number provided for Mr. Rozen in Plaintiff Senior Housing Assistance Group’s (“SHAG”) witness disclosure. I began the call by confirming that I was speaking with Bobby Rozen and then identifying myself as Chris Caldwell, an attorney in Los Angeles. I told Mr. Rozen that I was calling about a lawsuit in Seattle involving SHAG and Bryan Park, and asked him if it was good time to talk. He confirmed that it was.

3. Mr. Rozen indicated that he was not sure what lawsuit I was calling about, and asked if it was a case that involved Jake Ewart. I told him that it was. He asked what my involvement was in the lawsuit and I told him that I represented the Investor Limited Partners.

4. I told him that I understood that he had been identified as a witness in the lawsuit and asked if he would be willing to talk to me about what he expected to be testifying about. Mr. Rozen stated that he had been contacted by Mr. Ewart a few months ago and that Mr. Ewart had talked to him about hiring him as an expert in the case. He said that he was told by Mr. Ewart that his deposition would be taken.

1 5. Mr. Rozen told me that he was later told by Mr. Ewart that he would not be
2 involved and that he had not heard from Mr. Ewart in a couple of months. Mr. Rozen said that
3 he was not aware of any trial date in the coming month and was not planning to be in Seattle in
4 February for any trial.

5 6. I told Mr. Rozen that, based on what he told me, I would not take any more of his
6 time since he was not going to be a witness at the trial.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

9 Executed January 29, 2019, at Los Angeles, California.

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CHRISTOPHER G. CALDWELL

CERTIFICATE OF SERVICE

On January 29, 2019, I caused a copy of the foregoing document to be electronically filed via the Court's Electronic Case Filing System, which will notify all attorneys of record of the filing.

By: /s/ Steven D. Merriman
Steven D. Merriman